

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

E.W.,

Plaintiff,

Case No. 18-12964

v.

HON. DENISE PAGE HOOD

DETROIT PUBLIC SCHOOLS, et al.,

Defendants.

_____ /

ORDER STAYING CASE
AND
ADMINISTRATIVELY CLOSING CASE

Defendants in this matter filed a Notice of Appeal from the Court's Order granting in part and denying in part the Motion for Summary Judgment. (ECF No. 65) "A denial of summary judgment is generally not a final judgment." *Haynes v. City of Circleville, Ohio*, 474 F.3d 357, 361 (6th Cir. 2007)(quoting *Hoover v. Radabaugh*, 307 F.3d 460, 465 (6th Cir. 2002)). A denial of a motion for summary judgment on the ground of qualified immunity may be appealed as a collateral order where (1) the defendant is a public official asserting the defense of qualified immunity and (2) the issue appealed concerns not which facts the parties might be able to prove, but whether certain alleged facts reflect a violation of clearly established law. *Haynes*, 474 F.3d at 361. The Court will stay the matter until the resolution of the appeal. *See*

Mithcell v. Forsyth, 472 U.S. 511 (1985).

Accordingly,

IT IS ORDERED that this action is **STAYED and ADMINISTRATIVELY CLOSED**. The action may be reopened after a party provides the Court with notice that a mandate has been issued from the Sixth Circuit Court of Appeals.

s/Denise Page Hood

DENISE PAGE HOOD

UNITED STATES DISTRICT JUDGE

DATED: February 23, 2022